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Report of the Special Rapporteur on the human rights of migrants on a 2035 agenda for facilitating human mobility

Note by the Secretariat

The present report is submitted in accordance with Human Rights Council resolution 26/19. In the light of the proposed global compact for safe, orderly and regular migration, the Special Rapporteur proposes the development of an agenda within the framework of the United Nations, in parallel to the 2030 Agenda for Sustainable Development, to be known as the 2035 agenda for facilitating human mobility. Based on targets 10.7 and 8.8 of the Sustainable Development Goals, the agenda would encompass eight human mobility goals, together with targets and indicators, aimed at facilitating human mobility in the next 15 years, while ensuring respect for the human rights of all migrants based on the principles of non-discrimination and equality.

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I. Introduction

1. The present report, which is submitted pursuant to Human Rights Council resolution 26/19, briefly outlines the activities of the Special Rapporteur on the human rights of migrants during the period from 20 April 2016 to 11 April 2017. The thematic section is dedicated to the development of a 2035 agenda for facilitating human mobility.

II. Activities carried out by the Special Rapporteur

A. Participation in consultations and conferences

2. The Special Rapporteur participated as a panellist in the high-level plenary meeting on addressing large movements of refugees and migrants, held in New York on 19 September 2016. He took part in various events at the high-level plenary meeting, including one entitled "Migration and development: a roadmap to a global compact", organized by the World Bank Group; a round table on working together to end child immigration detention, organized by the Inter-Agency Working Group to End Child Immigration Detention; a side event organized by the Office of the United Nations High Commissioner for Human Rights (OHCHR) on human rights protection in the context of large movements of migrants and refugees; and the private sector forum on migration and refugees, organized by Concordia in partnership with the Global Policy Initiative of Columbia University, the International Organization for Migration (IOM) and the United Nations High Commissioner for Refugees and with the support of the Open Society Foundations and the Swiss Agency for Development and Cooperation.

3. The Special Rapporteur, in collaboration with the respective national human rights institutions, organized workshops on access to justice for migrants in Senegal, on 5 and 6 December 2016, and in Morocco, on 8 and 9 December 2016.

4. On 31 March 2017, the Special Rapporteur organized a consultation in Geneva with civil society organizations and United Nations agencies to review the outcome of the high-level plenary meeting and discuss ways to engage with the two-year process that will result in the adoption of a global compact for safe, orderly and regular migration in 2018.

B. Country visits

5. The Special Rapporteur conducted a visit to Angola from 3 to 10 May 2016. He recommends that Angola develop a comprehensive national migration and mobility strategy and bilateral and multilateral mobility agreements with neighbouring countries in order to protect and promote the human rights of all migrants in the country.

6. The Special Rapporteur also conducted a follow-up visit to Greece from 12 to 16 May 2016. He recognizes the progress made on the adoption of laws and policies aimed at managing migration and border management. In the light of the fact that Greece is the custodian of an external European Union border, the Special Rapporteur recommends that the Government of Greece and the European Union institutions develop durable human rights-based solutions for migrants and asylum seekers in Greece, including with regard to the important issue of border management, and adopt strategic long-term migration and mobility policies in accordance with international human rights law.

7. The Special Rapporteur conducted a visit to Australia from 1 to 18 November 2016. He observed that some of the migration policies of Australia have increasingly eroded the human rights of migrants, in contravention of the country's international human rights and humanitarian obligations. The Special Rapporteur recommends that Australia develop and implement a human rights-based approach to migration and border management, ensuring that the rights of migrants, including undocumented migrants, are always given priority.

III. 2035 agenda for facilitating human mobility

A. Introduction

8. On 19 September 2016, the General Assembly held a high-level plenary meeting on addressing large movements of refugees and migrants, at which the New York Declaration for Refugees and Migrants (resolution A/71/L.1) was adopted. The Declaration establishes a two-year process leading to an international conference in 2018 at which two global compacts, one on refugees and the other for safe, orderly and regular migration, will be presented for adoption. The Special Rapporteur sees the adoption of the global compact for safe, orderly and regular migration not as the end of the process, but as the beginning. As part of the global compact, the Special Rapporteur calls upon States to go beyond the Declaration and impulsive reactions on the basis of what they perceive to be the current problems and to develop a human rights- and evidence-based governance framework for international migration and mobility.

9. The Special Rapporteur takes note of the positive development of migration and mobility being discussed within the framework of the United Nations, which has resulted in the inclusion of migration-related targets in the Sustainable Development Goals and the New York Declaration, in which States reaffirmed their commitments to the protection of the human rights of migrants and to the establishment of a global compact for safe, orderly and regular migration. The Special Rapporteur stresses the importance of ensuring that the commitment of States to the protection of the human rights of migrants[1] is upheld and translated into the adoption of the global compact.

10. Taking into consideration the current dynamics of push and pull factors and in the light of his observations on the need to facilitate mobility, the Special Rapporteur suggests that the global compact for safe, orderly and regular migration should include provisions on the development of a 2035 agenda for facilitating human mobility under the framework of the United Nations, in parallel to the 2030 Agenda for Sustainable Development (General Assembly resolution 70/1).

11. The golden thread of such an approach would primarily be to address targets 10.7 and 8.8 of the Sustainable Development Goals through a rights-based, age- and gender-sensitive plan.

12. The Special Rapporteur envisions an agenda that, building on target 10.7, outlines how human mobility can be facilitated effectively and underlines the importance of taking a long-term strategic approach to developing more accessible, regular, safe and affordable mobility policies and practices that will place States in a better position to respond to the significant demographic, economic, social, political and cultural challenges that lie ahead.

13. Given that the global compact for safe, orderly and regular migration will be submitted for adoption in 2018, the agenda could be launched in 2020 following a two-year preparatory process. The agenda would encompass a modest but achievable number of universal goals aimed at protecting the human rights of migrants and facilitating mobility in the subsequent 15 years, with precise targets and indicators, realistic timelines and benchmarks and effective accountability mechanisms.

[1] All references to migrants throughout the present report should be read as "migrants, regardless of their status or circumstances".

B. Migration: perceptions versus reality

All migrants are entitled to human rights, on the basis of the principles of equality and non-discrimination for everyone

14. The Special Rapporteur wishes to recall the New York Declaration, in which States recognized that, in accordance with the obligations of States under international law, refugees and migrants must have comprehensive policy support, assistance and protection and that their human rights and fundamental freedoms and their need to live in safety and dignity must be fully respected.

15. All migrants should be recognized and treated with respect and dignity as equal rights holders, regardless of their migratory status in relation to the sovereign territory in which they find themselves. Under international law, States have the duty to protect migrants at all stages of the migratory process and to provide them with access to justice to remedy any discriminatory treatment or human rights violations that they experience.

16. The Special Rapporteur proposes a fundamental shift in the way that migration is perceived and framed. Migration itself is a natural part of human existence; it is neither a crime nor a problem, and it has the potential to be a solution. Accordingly, migration governance is not a matter of closing off borders and keeping people out, but one of regulating mobility by opening accessible, regular, safe and affordable migration channels and promoting and celebrating diversity.

17. The Special Rapporteur sees a strong need to regulate mobility, which would facilitate migration and the control thereof, instead of restricting migration movements through the use of pushbacks, interception and detention. States must move from a zero-tolerance attitude to one of harm reduction, thereby undercutting the criminal organizations responsible for migrant smuggling, addressing the security concerns of States and, ultimately, reducing human suffering and saving lives. If States want to regain control over their borders, migrants should be provided with regular, safe, affordable and accessible mobility channels.

18. In order to regulate mobility effectively, States are required to adopt a whole-of-government approach to migration, taking into account all aspects thereof, including all benefits and challenges in terms of economic growth, demographic changes, cultural diversity, social integration, human rights and respect for the rule of law. By taking a long-term strategic approach, States will be better positioned to respond to the significant imminent demographic, economic, social, political and cultural challenges.

Fostering a fact-based public narrative on migration is essential

19. Political rhetoric on migration most often does not reflect reality, notwithstanding facts and figures to the contrary. Such rhetoric shapes public perceptions of migration. Any attempt to develop an agenda for migration should therefore outline, for populations of all countries and for their politicians, an inspiring narrative of how well-governed mobility could contribute to the prosperity and stability of society.

20. According to United Nations statistics for 2015, approximately 244 million people were living outside their countries of origin worldwide, including almost 20 million refugees. Despite a 41 per cent increase compared with 15 years ago, this figure accounts for only 3.3 per cent of the global population in 2015, against 2.8 per cent in 2000. The rate of migration actually slowed down during the period from 2010 to 2015, in contrast to the previous five-year period. Between 2000 and 2015, Asia was the region that received the highest number of additional migrants, with a total of 26 million.[2]

21. Ageing populations in some regions have caused a shift in demographics leading to labour shortages. From a purely economic perspective, such demographic shifts will add

[2] See Department of Economic and Social Affairs, *International Migrant Stock: the 2015 Revision*.

pressure and impetus to the need to balance labour supply and demand,[3] clearly contradicting the common conception that migrants are "job stealers".

22. Against the backdrop of a poor economic climate, the rise in nationalist populist parties and the tragic terrorist attacks around the world, xenophobia and hate speech have increased, causing a significant upward trend in negative perceptions of migrants and creating a stumbling block in the development of more efficient evidence- and human rights-based policies.

23. The use of appropriate language and studies, the presentation of facts and policies that favour diversity and the inclusion of migrants are key to facilitating the integration of migrants and their contribution to development and to reducing negative populist representations of migrants. States therefore need to develop a long-term, human rights-based strategic vision and narrative on mobility and diversity that will give meaning, coherence and direction to current and future action.

24. A human rights-based approach would have a positive impact on the public discourse and facilitate the integration of migrants into society by changing the general perception of migration as being a burden and expense to being a shared responsibility and valuable investment.

Migration supports development and prosperity at the national, regional and global levels

25. Migrants are drivers and enablers of development, contributing to economic growth wherever they go. Studies show that immigration has a minimal impact on unemployment among residents in host countries and a positive overall impact on employment generation and investment.[4] Increasing evidence suggests that migrants contribute more in direct and indirect taxes than they consume in government benefits.[5] In 2015, migrants sent approximately $601 billion in remittances, some $441 billion of which developing countries are estimated to have received, nearly three times the amount of official development assistance.[6]

26. Economic research also demonstrates that migrants complement rather than compete with citizens, therefore generating greater overall productivity within the economy.[7] In a study,[8] the impact of the global recession was shown to decrease but not eradicate this positive phenomenon, disproving the argument that an economic downturn justifies repressive policies against migrants. Although some nationals may be displaced by migrants in small and other specific labour markets, it is better to address such marginal consequences through retraining policies rather than by trying to curb migration.

27. Although the economic incentives to migrate are diverse and, for many, very strong, they are constantly evaluated and scrutinized by potential migrants. It is true that most migrants try to go to countries where there are jobs and where they can start integrating into society and creating a future for themselves and their families. It is equally true that prime destination countries have jobs available for migrants in the official or underground labour

[3] Ernst and Young, "Tracking global trends: how six key developments are shaping the business world" (2011). Available from https://issuu.com/ezra1110/docs/tracking_global_trends/32.

[4] See Organization for Economic Cooperation and Development, *International Migration Outlook 2013*.

[5] OHCHR, *The economic, social and cultural rights of migrants in an irregular situation*, (New York and Geneva, 2014), p. 99.

[6] See World Bank, *Migration and Remittances Factbook 2016*.

[7] David Card, "The impact of the Mariel boatlift on the Miami labour market", *Industrial and Labour Relations Review*, vol. 43, No. 2 (January 1990), pp. 245-257; Mette Foged and Giovanni Peri, "Immigrants' effect on native workers: new analysis on longitudinal data", Institute for the Study of Labour discussion paper No. 8961, 2015; Andri Chassamboulli and Giovanni Peri, "The labour market effects of reducing the number of illegal immigrants", *Review of Economic Dynamics*, vol. 18, No. 4 (October 2015).

[8] Francesco D'Amuri and Giovanni Peri, "Immigration, jobs and employment protection: evidence from Europe before and during the Great Recession", Bank of Italy working paper No. 886, 2012.

markets. Migrants respond to the demand for labour, and, under normal circumstances, when demand declines in a particular area, so does migration to it.

As long as "push and pull" factors exist, migrants will continue to move

28. Many factors influence the decisions of migrants as to why, when, to where and how they want to migrate. The main push factors are poverty, violence, discrimination and poor governance. The main pull factors are official or unacknowledged labour needs and family reunification. Public discussion about these factors is, on the whole, extremely shallow, often constituting nothing more than scaremongering about "benefit scroungers" and migrants "stealing jobs".

29. Rather than addressing the reasons behind migration, States often respond to increased migration movements by creating and progressively increasing barriers to mobility, with a focus on securitization, repression and deterrence policies. Their central objective has been to secure their borders by building fences, using violence to stop undocumented population movements across land and sea borders, using long-term detention as a deterrence tool and carrying out collective expulsions to countries of origin and transit, all of which are too often conducted without sufficient assessment of individual protection needs and adequate oversight. Moreover, States have moved their border management activities beyond their territorial borders, extending them to the high seas and third countries.

30. Repressive policies and the lack of responses to push and pull factors of migration only serve to create the perfect conditions for underground labour markets and smuggling rings to flourish. States often do not address the reasons why individuals want or need to move from their countries of origin and why employers in destination countries seek to employ them, and yet they have created and progressively increased barriers to mobility. The so-called "migration crisis" is policy driven. Placing restrictions on mobility is part of the problem, not of the solution.

31. The continued ineffectiveness and the paradoxes of border management and the lack of a coherent human rights-based framework for migration have been vividly and visibly exposed by the tragic deaths of migrants in transit, propelling the issue of the human rights of migrants into the spotlight. Suffering is also experienced at all other stages of migration. The repression of undocumented migrants and the externalization of borders do little but increase the suffering of migrants and have the effect of entrenching smuggling rings and exploitative recruiters and employers. Migrants will continue to arrive. The only solution is to adopt well-managed migration policies that facilitate the mobility of migrants and provide States with the border control that they need.

Facilitating mobility means offering regular, safe, accessible and affordable mobility solutions

32. In order to facilitate mobility, States must increase regular channels for migration and the taxation of mobility, through the progressive expansion of visa liberalization and easily accessible visa facilitation regimes and/or schemes, such as refugee settlement, temporary protection, visitor, family reunification, work, resident, retirement and student visas, with all the identity and security checks that efficient visa regimes can provide.

33. In effect, States must reclaim the mobility market from the smugglers and adopt measures to regularize undocumented migrants. Migrants do not want to be undocumented or use smugglers, but are forced to do so owing to a lack of regular, safe, accessible and affordable mobility options. They would rather pay a reasonable fee to a visa officer than suffer extortion at the hands of smugglers. They would adapt to the requirements of States for access to regular mobility solutions within a reasonable time and arrive at border posts, presenting official identity and travel documents in good order, rather than embarking with their families on a journey riddled with suffering. They would work in official labour markets, even for the minimum salary, instead of being exploited and abused in underground labour markets. Well-designed mobility policies are needed to induce this virtuous cycle.

C. 2035 agenda: a long-term strategy

34. In order to respond to the complexity of human mobility, as explained above, States are required to develop a long-term strategic vision of what their mobility policies will look like in a generation from now, with precise timelines and accountability benchmarks. Such a long-term vision is similar to the strategic planning of States for policies on energy, environment, trade, food security, public transit, infrastructure and industries, in order to determine the investments needed to achieve the objectives.

35. The Special Rapporteur suggests that States should also develop such a vision for migration policies. The timeline for migration policies always seems to be based on the now, with States focusing on "stopping migration now", "sending back migrants now" or "bringing in technicians or low-skilled migrant workers now". The Special Rapporteur proposes a more considered, fact-based response to push and pull factors with a 15-year vision for how mobility could be effectively governed, which would allow States to take well-planned action in response to a so-called crisis.

36. The first step in changing the collective mindset is to accept that migrants will come and go no matter what because of push and pull factors, which, on the whole, are not adequately addressed. Facilitating increased mobility and matching skills to labour needs, as in an accessible, regular, safe and affordable labour market, with appropriate visa systems and security controls, would ensure that most migrants would use regular mobility channels.

37. Solutions to human mobility needs can be developed along two major axes, as outlined by the Special Rapporteur in previous reports:

(a) Developing refugee settlement programmes to serve more refugees than the current 1 per cent. Private sponsorship of refugees should be included in these programmes, because it progressively builds a constituency of nationals who are in favour of welcoming refugees;

(b) Recognizing real labour needs and opening up considerably more visa opportunities or visa-free travel programmes for migrant workers at all skill levels. With appropriate selection and organization, the numbers would be entirely manageable.

38. Such facilitated mobility would have obvious advantages, including the fact that it would:

(a) Significantly reduce the market for smugglers and unethical recruiters;

(b) Enable all security checks by intelligence agencies to be made in a timely manner and mostly in the destination country;

(c) Provide the opportunity to show the electorate of destination countries that borders are respected, that authorities are managing migration properly, that employers are integrating migrants into the labour market, that investments have been made in integration programmes and that the fearmongering discourse of nationalist populists is based on stereotypes, myths and fantasies that can be countered by facts.

39. The inclusion of migrants in the Sustainable Development Goals demonstrated that all States without a doubt acknowledged the importance of better-governed mobility. Given that the process is already under way, the Special Rapporteur proposes harnessing the energy of this existing process and developing recommendations on how it can be further developed for migration.

40. With that in mind, the Special Rapporteur proposes developing a 2035 agenda for facilitating human mobility, which would translate the 2030 Agenda for Sustainable Development into "bite-sized" and achievable goals, targets and indicators. The 2030 Agenda already refers, in certain Sustainable Development Goals, to the human and labour rights of migrants, including:

(a) Protect labour rights and promote safe and secure working environments for all workers, including migrants, especially women migrants, and those in precarious employment (target 8.8);

(b) Reduce the transaction costs of migrant remittances to less than 3 per cent and the elimination of remittance corridors with costs higher than 5 per cent by 2030 (target 10.c);

(c) Facilitate orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies (target 10.7);

(d) Promote and enforce non-discriminatory laws and policies for sustainable development (target 16.b);

(e) Promote the rule of law at the national and international levels and ensure equal access to justice for all, including migrants (target 16.3);

(f) Provide legal identity for all, including birth registration, by 2030 (target 16.9);

(g) Increase significantly the availability of high-quality, timely and reliable data disaggregated by, among other things, migratory status by 2020 (target 17.18).

41. On the basis primarily of targets 10.7 and 8.8, the Special Rapporteur intends to recommend that States and other stakeholders develop long-term strategies to fulfil their obligations towards all migrants, including migrants in a precarious situation, as set out in the Sustainable Development Goals.

D. Human mobility goals

42. Building upon the experience of his mandate since 2011, the Special Rapporteur presents the following agenda as a road map as a way of demonstrating the content, scale, practicability and scope of a future 2035 agenda. The agenda encompasses eight human mobility goals, together with targets and indicators, aimed at facilitating human mobility while ensuring respect for the human rights of all migrants, regardless of their status, skills, age, gender or sexual orientation.

43. The Special Rapporteur proposes the following goals:

Human mobility goals

Goal 1. Offer regular, safe, accessible and affordable mobility solutions to all migrants, regardless of their status or skill level

Goal 2. Protect the labour and human rights of all migrant workers, regardless of their status and circumstances

Goal 3. Ensure respect for human rights at border controls, including return, readmission and post-return monitoring, and establish accountability mechanisms

Goal 4. End the use of detention as a border management and deterrence tool against migrants

Goal 5. Provide effective access to justice for all migrants

Goal 6. Ensure easy access for all migrants to basic services, including education and health

Goal 7. Protect all migrants from all forms of discrimination and violence, including racism, xenophobia, sexual and gender-based violence and hate speech

Goal 8. Increase the collection and analysis of disaggregated data on migration and mobility

Goal 1. Offer regular, safe, accessible and affordable mobility solutions to all migrants, regardless of their status or skill level

Rationale

44. In the New York Declaration, States committed to "consider facilitating opportunities for safe, orderly and regular migration, including, as appropriate, employment creation, labour mobility at all skills levels, circular migration, family reunification and education-related opportunities". In order to implement that commitment, they need to develop and implement long-term national migration policies, in line with their obligations under international human rights law, ensuring that regular, safe, affordable and accessible avenues are available for all migrants. The overall goal in terms of governing mobility is for most migrants to use regular channels to enter and stay in destination countries, thereby reducing considerably the size of the underground migrant smuggling market. States must recognize and address what may be termed as the pull factors of migration, such as unrecognized demands for low-skilled labour in economic sectors that are not met locally, and provide safe, regular, accessible and affordable migration channels to meet the demand for such low-skilled jobs. When regular migration channels fail to properly reflect labour market needs, migrants are more likely to be offered undocumented migration solutions by smuggling rings and unethical recruiters and become victims of exploitation and abuse.

45. Opening up more regular migration channels for migrants at all skill levels would considerably reduce undocumented migration and limit the power of smuggling rings. Allowing people to look for work on the regular labour market would present opportunities for both employers and workers. Abolishing sponsorship-based temporary migrant worker programmes and providing open work visas would considerably reduce labour exploitation.

46. Through resettlement programmes for refugees and the provision of humanitarian visas and other opportunities, it is well within the means of States to develop the mechanisms necessary for providing resettlement opportunities to refugees. A worldwide, well-governed distribution key that provides resettlement programmes for refugees and humanitarian visas and other opportunities will create a reliable long-term programme and ensure that a large number of refugees will seek resettlement rather than spend large sums of money and risk their lives and those of their children in smuggling operations. This would considerably reduce the market for smugglers, as well as the cost of refugee status determination procedures in the countries of destination.

47. In order to introduce a human rights-based approach to the mobility of human resources in the negotiation of bilateral and multilateral trade agreements, States should, in partnership with the business communities involved, considerably enlarge the elements of human mobility and labour migration in trade negotiations, and representatives of migrants should be offered meaningful opportunities to comment on draft trade agreements as key stakeholders.

48. Much of the labour exploitation that migrants suffer is linked to recruitment agencies. In accordance with international human rights standards, private actors must, as a minimum, respect the human and labour rights of their workers. The private sector, including recruitment agencies and employers, plays an important role in the labour exploitation of migrants and must therefore be part of the solution.

Targets

1.1. Protect the human rights of all migrants, in compliance with international human rights standards

1.2. Adopt and enforce human rights-based, coherent and comprehensive national migration policies to ensure regular, safe, affordable and accessible migration options for all migrants

1.3. Considerably increase the number of resettlement and humanitarian visa options for refugees

1.4. Create multiple labour migration opportunities, including for low-skilled migrants, to incentivize their use of regular migration channels, by establishing common and accessible visa and work permit regimes

1.5. Abolish all temporary migration schemes, such as those based on single-employer sponsorship mechanisms or *kafala* systems, in favour of open work visas

1.6. Facilitate labour mobility for migrants at all skill levels through regional organizations, regional consultative processes, bilateral and regional agreements for the free movement of persons and bilateral and regional trade agreements

1.7. Ensure that appropriate governance of migration promotes the optimal matching of job skills to jobs and of labour supply to labour demand between countries

1.8. Counteract deskilling and increase the proportion of migrants who are working at the skill level that is most relevant to their education, training and work experience, so as to facilitate their integration into the local labour force and their reintegration into the labour market in the country of origin

1.9. Reduce to less than 3 per cent the transaction costs of migrant remittances and eliminate remittance corridors with costs higher than 5 per cent

1.10. Consider providing access to permanent residency (or long-term residence permits) and citizenship to all migrants after a reasonable period of effective residence under any temporary migration regime

1.11. Promote the financial inclusion of migrants, for example, by lowering the costs of remittances and promoting digital financial services, and provide incentives for migrants to engage in trade between countries of origin and destination

1.12. Promote a strategy to enable, engage with and empower migrant diasporas and their entrepreneurship

Indicators

(a) Increased number of countries that have ratified relevant international human rights and labour law instruments providing for the equality of treatment for all migrant workers in respect of employment;

(b) Time frame and coverage of national policy on enhancing international cooperation to facilitate regular, safe, affordable and accessible migration, in line with human rights standards, including through labour mobility at all skill levels;

(c) Time frame and coverage of national policy on ending criminalization and externalization approaches to migration control, which aggravate the precarious condition of migrants;

(d) Increased number of bilateral and multilateral visa facilitation and liberalization agreements, including for visits, work, job searches, family reunification, refugee resettlement, humanitarian activities, studies, internships, retirement and other purposes;

(e) Increased number of regional and bilateral mobility agreements;

(f) Increased number of bilateral and multilateral agreements on migration that provide for human and labour rights safeguards and comply with international human rights and labour standards, including effective complaint and redress mechanisms;

(g) Increased number of ex ante human rights impact assessments conducted during trade negotiations to identify and mitigate risks;

(h) Increased number of accessible visas and work permits provided at all skill levels;

(i) Increased regulation and effective monitoring of the recruitment industry;

(j) Availability of disaggregated data on all aspects of migration programmes and policies, in particular on undocumented migration and recruitment costs for migrants and employers.

Goal 2. Protect the labour and human rights of all migrants, regardless of their status and circumstances

Rationale

49. Migrants, especially those with a precarious residence status, are vulnerable to abuse and labour exploitation. Certain categories of migrants, such as migrant women and children, temporary migrant workers and undocumented migrants are more intrinsically vulnerable to abuse, violence and exploitation. The physical, sexual and psychological abuse of female migrant domestic workers appears to be widespread, and they are often exposed to health and safety threats without being provided with adequate information and support. For most migrants, it can be very difficult or impossible to obtain meaningful access to an effective remedy for rights violations.

50. Underground labour markets act as a magnet for undocumented migration at the request of exploitative employers and constitute a major pull factor for exploited migrant workers and a key trigger of the smuggling market. It is, however, difficult to reduce those markets significantly owing to the favourable impact of lower labour costs on certain economic sectors, in particular the construction, agriculture, caregiving, hospitality, fisheries and extraction industries, the acquiescence of consumers, the indifference of politicians and the absence of complaints by migrants owing to their fear of detection, detention and deportation. Nevertheless, action needs to be taken to achieve mobility without distortions to the labour market, which would entail considerably reinforcing labour inspection mechanisms, vigorously targeting exploitative employers and empowering migrants to defend their rights.

51. Proactive regularization procedures should be readily available to help migrants who work and are socially integrated to remain in the country with legal status and to fight exploitation and defend their rights, just like any other workers.

52. A comprehensive, detailed national migration policy needs to be drawn up and implemented effectively in order to combat labour exploitation of migrants. The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Multilateral Framework on Labour Migration of the International Labour Organization (ILO) provides useful guidance in that respect.

Targets

2.1. Effectively protect the labour rights of migrants, including by ensuring equal opportunity and treatment in employment, in compliance with international labour standards

2.2. Implement policies that effectively sanction employers who exploit migrants, and increase the share of migrants who benefit from cross-border recognition of skills and qualifications and the portability of social security benefits

2.3. Promote the progressive formalization of the informal sectors of industries in which migrants are often exploited, such as construction, extraction, fisheries, hospitality and caregiving

2.4. Ensure ethical recruitment intermediaries at both ends of the migration process by establishing effective government regulatory frameworks and institutional monitoring mechanisms for the labour recruitment industry and by using all available international cooperation channels

2.5. Facilitate the unionization of and collective bargaining by migrants, especially in the economic sectors in which migrants are in the majority and in the industries in which they are often exploited

2.6. Increase effective labour inspection systems with a sufficient number of labour inspectors, who should be well trained in international human rights and labour standards

2.7. Increase labour inspections in private households for the protection of migrant domestic workers

2.8. Ensure easy access for all migrants to labour dispute resolution institutions, without fear of detection, detention and deportation

2.9. Pursue publicly funded social protection policies in critical areas that guarantee the well-being of the entire community, including migrants

2.10. Facilitate the regularization of migrants who work and are socially integrated

Indicators

(a) Increased number of countries whose national legislation and policies provide for equality of treatment for all migrants in respect of employment, including through the protection of the labour rights of migrants and their equal access to social security benefits and redress mechanisms;

(b) Reduction of upfront costs for migrants, especially recruitment fees;

(c) Increased regulation and effective monitoring of the recruitment industry;

(d) Increased pre-departure and post-arrival training of migrants;

(e) Increased number of information campaigns that promote decent work and the protection of the human and labour rights of all migrants;

(f) Mutual recognition of foreign educational qualifications, including through the conclusion of bilateral and multilateral agreements;

(g) Number of migrants who have transitioned from informal to formal sectors of the economy;

(h) Number of undocumented migrants who have been regularized;

(i) Number of low-skilled workers, especially migrant women and children, who file complaints of labour exploitation and obtain compensation;

(j) Number of unionized migrants involved in collective bargaining in the economic sectors in which they are traditionally exploited;

(k) Number of migrants with equal access to social security and benefiting from the cross-border portability of earned social security benefits, such as pensions, including through the conclusion of bilateral and multilateral agreements;[9]

(l) Disaggregated data showing the proportion of migrant workers in the various informal sectors and underground labour markets of the economy;

(m) Disaggregated data showing the proportion of migrants who have reported cases of violations of their human and labour rights, including forced labour, discrimination and unlawful termination of employment, and the proportion of victims who received compensation.

[9] ILO, *Fair Migration: Setting an ILO Agenda*, report I (B) prepared for the 103rd session of the International Labour Conference, 2014 (ILC.103/DG/IB) (Geneva, 2014).

Goal 3. Ensure respect for human rights at border controls, including return, readmission and post-return monitoring, and establish accountability mechanisms

Rationale

53. Human rights are not reserved for citizens; they benefit everyone, everywhere. States must promote and protect the rights of all in their territory or within their jurisdiction, without discrimination, regardless of status and circumstances. While States have the power to admit, refuse to admit or return migrants, they equally have an obligation to respect the human rights of migrants in the process.

54. States must increase their search and rescue capacity and refrain from pushbacks at land and sea borders. The militarization of border control creates unnecessary suffering and leads to violations of human rights and humanitarian law at borders. States need to develop procedures, guidelines or systems for ensuring that search and rescue is implemented as a paramount objective, taking into account what should be done with those who are rescued.

55. Upon arriving undocumented in countries of transit or destination, all migrants fall within the category of irregular migrants. Prompt and proper individual screening and assessment procedures are required in order to effectively identify their specific vulnerabilities and determine the legal protection frameworks that meet their needs. The lack of individual assessments and of the possibility for migrants to state their claims, outlining the risks they may face when returned to their countries of origin, creates a potential violation of the international principle of non-refoulement. The Special Rapporteur stresses that the principle is stronger as codified in the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, as absolute and without exception, than that found in refugee law, meaning that persons may not be returned even when they may not otherwise qualify as refugees under the Convention relating to the Status of Refugees or national law and even when national security is involved. Accordingly, non-refoulement under the Convention against Torture must be assessed independently of refugee or asylum status determinations, so as to ensure that the fundamental right to be free from torture or other ill-treatment is respected even in cases in which protection against refoulement under refugee law may not be available.

56. Effectively ensuring the proper protection of the human rights of migrants is not possible in the absence of well-functioning asylum systems and of adequate and appropriate infrastructure for managing large movements of migrants. Despite legal prohibitions, pushbacks and refoulement to countries of origin and third countries with weak rule of law and poor asylum systems have been improperly conducted under the broad auspices of bilateral agreements. States must not return anyone under a readmission agreement without effective oversight by a post-return human rights monitoring mechanism that verifies whether the human rights of returnees are actually respected.

57. The return of migrants who do not meet the required international or national legal standards to remain in their host country must be conducted in safety, with regard to dignity and respect for human rights, on the basis of: (a) the primacy of voluntary returns; (b) cooperation between States of origin and reception; and (c) enhanced reception and reintegration assistance for those who are returned. Children, whether unaccompanied, separated or accompanied by their parents or other caregivers, should only be returned or repatriated when it has been determined to be in their best interest through an appropriate procedure before a competent institution with proper representation of the child. Families should never be separated unless separation is necessary to ensure the best interest of the child.

Targets

3.1. Protect the lives and safety of migrants and ensure the rescue of and immediate assistance to all migrants facing risks to life or safety, in accordance with the principles and practical guidance on the protection of the human rights of migrants in vulnerable situations (A/HRC/34/31), by developing and effectively implementing procedures and guidelines

3.2 Implement a human rights-based approach to migration and border management, ensuring that the rights of all migrants are always the first consideration

3.3 Respect and protect the human rights of all migrants at borders, both at entry and return, with special attention paid to vulnerable groups, such as unaccompanied children, families with children, pregnant women, persons with disabilities, asylum seekers, refugees, potential victims of trafficking and elderly migrants

3.4 Conduct full individual assessments for all migrants in order to effectively identify their vulnerabilities and the legal frameworks under which their needs will be met and their rights protected

3.5 Decriminalize undocumented entry and stay

3.6 Review national and regional border policies to ensure that the human rights of all migrants at international borders are upheld

3.7 Develop and implement gender- and age-sensitive guidelines to protect migrants in precarious situations

3.8 Adopt approaches that reduce the precariousness of migrants, in particular by avoiding the securitization of migration policies and the externalization of border control

3.9 Returns should be carried out in full respect of international human rights law, in conditions of safety and dignity and with due procedural guarantees

3.10 Systematically implement post-return human rights monitoring and ensure that such monitoring is part of every readmission agreement

Indicators

(a) Increased number and proportion of migrants protected as a result of search and rescue operations;

(b) Considerably reduced number of undocumented migrants who are killed, injured or become victims of crime or violence while seeking to cross maritime, land and air borders;

(c) Pushback operations and collective expulsions are stopped;

(d) Regular revision of bilateral and regional readmission agreements to ensure their compliance with international human rights standards, thus protecting the needs and rights of migrants;

(e) Policies and practices aimed at detecting vulnerabilities and assessments of the protection needs of migrants arriving at international borders are implemented and followed up with appropriate protection measures;

(f) Laws, policies and practices that criminalize undocumented migration are abolished and replaced by legislation and regulations that qualify undocumented entry as an administrative rather than a criminal offence;

(g) International cooperation is reduced on immigration policies of externalization according to which migrants are prevented from moving on and obliged to remain in countries of transit in which their rights are not respected, and all international cooperation on immigration policies includes the strengthening of the national human rights systems and institutions of countries of origin and transit;

(h) Returns are decided after following a strict procedure in which the migrant is duly represented, has access to appropriate legal assistance and interpretation services and has an effective opportunity to explain why a return would not be in respect of his or her rights;

(i) Reintegration programmes are provided for migrants who are returned to their countries of origin;

(j) Collection and analysis of disaggregated data on all aspects of border management, including return of migrants.

Goal 4. End the use of detention as a border management and deterrence tool against migrants

Rationale

58. It is a worrying trend that immigration detention is extensively used as a border management and deterrence tool against migrants and too often as a means to prevent their access to justice. In line with international human rights law, freedom must be the default position and detention the exception, used only as a measure of last resort. Detention must be reasonable, necessary, proportionate, decided on a case-by-case basis and enforced for the shortest possible period of time. Administrative detention can be justified only if an individual presents a danger to the public or risks absconding when their presence is necessary in further proceedings, and such determinations must be made individually and on the basis of evidence. Furthermore, when detention becomes a routine measure of border enforcement, it may be, per se, arbitrary insofar as it is neither an exceptional measure of last resort, nor based upon a meaningful individualized assessment of risk.

59. The increasing practice of migration detention is not automatically accompanied by assurances of legal guarantees and basic human rights protection for detainees. The access of migrants to justice is severely hampered by a failure to guarantee appropriate detention safeguards for vulnerable individuals and access to proper legal representation, legal aid, consular services, interpretation and translation services and effective remedies.

60. The impact of prolonged detention, coupled with the frequently inhuman detention conditions (namely, overcrowding, unsanitary personal hygiene facilities and kitchens and insufficient access to health care, family members, lawyers, international or civil society organizations and physical and recreational activities), has a devastating effect on the physical and mental health of migrants. Long periods of immigration detention can also lead to sustained barriers to the ability of migrants to claim their economic and social rights, even after having been released.

61. Unaccompanied migrant children and families with children must never be detained for reasons relating to their administrative immigration status. The detention of children, even for short periods, can have severe psychological consequences for their development. The Committee on the Rights of the Child and other human rights mechanisms have made it clear that immigration detention can never, ever, be in the best interest of a child and that the immigration detention of children, whether unaccompanied or with their families, always constitutes a violation of their rights. Consequently, both unaccompanied migrant children and families with children should always be provided with alternatives to detention.

62. Many rights-based alternatives to detention exist, including registration requirements, the deposit of documents, the payment of bonds or bail or the provision of a surety or guarantor, reporting requirements, case management or supervised release, designated residence, electronic monitoring and home curfew or house arrest. A number of countries have moved towards open reception facilities, in particular for vulnerable migrants such as unaccompanied minors and families. However, prolonged immigration detention and its associated negative human rights consequences continue in many countries.

Targets

4.1. Clearly define and exhaustively enumerate the reasons for immigration detention in legislation, in accordance with international human rights law

4.2. Ensure that the detention of migrants is always a measure of last resort, permissible only when reasonable, necessary, proportionate, decided on a case-by-case basis and enforced for the shortest possible period of time

4.3. Expeditiously and completely end the immigration detention of children and their families, and protect the rights, dignity, welfare and best interests of migrant children in all cases

4.4. Ensure timely and effective access to justice for all migrants in detention, regardless of their status and circumstances, including access to competent lawyers, competent interpreters and translators, legal aid and judicial assistance programmes, non-governmental organizations, consular authorities and asylum procedures, and the effective and independent external monitoring of all migrant detention facilities

4.5. Promote, develop and make use of viable, rights-based alternatives to detention

Indicators

(a) Judicial appeals of all detention orders are automatically implemented;

(b) Mandatory detention of migrants is abolished;

(c) The number of migrants in immigration detention is considerably reduced;

(d) Alternatives to detention are created and expanded;

(e) The proportion of migrants who are released into non-custodial alternatives to detention is considerably increased;

(f) All forms of detention of migrant children and their families on the basis of their immigration status or that of their parents are abolished;

(g) Increased number of countries having ratified the Optional Protocol to the Convention against Torture and adopted national preventive mechanisms mandated to visit all places of deprivation of liberty within their jurisdiction, including places where migrants are detained.

Goal 5. Provide effective access to justice for all migrants

Rationale

63. Migrants face discrimination and exploitation in the workplace and sometimes experience forced labour. They often find themselves in debt bondage as a result of exorbitant recruitment fees. Nevertheless, migrants most often do not seek redress for the violations of human rights and labour standards that they suffer, owing to their limited command of the local language, their lack of knowledge of the laws and systems, cultural barriers and the fear of detection, detention and deportation. This holds especially true for the most precarious migrants, including undocumented migrants, temporary migrant workers in sponsorship programmes and live-in migrant domestic workers, most often women.

64. Immigration legislation and regulations often restrict considerably the access of migrants to effective recourse and remedies, thus limiting their access to justice. Perpetrators of abuse, exploitation, violations of rights and violence against migrants too often benefit from practical immunity. Effective and accessible justice systems can be tools to overcome exclusion, discrimination and marginalization, through the development of progressive case law on economic and social rights, the enforcement of the human and labour rights of migrants and the systematic enforcement of laws prohibiting their exploitation by private or public actors.

65. Facilitating effective access to justice would go a long way towards, on the one hand, legitimizing new migration policies by showing that territorial sovereignty and human rights are not incompatible and, on the other, changing perceptions regarding migration by combating stereotypes. When migrants actually go to court and the court proclaims that migrants have rights, citizens and Governments do listen. Conversely, States must ensure that labour inspections target exploitative employers rather than exploited migrant workers. The key to ending the practical immunity of all those who abuse and exploit migrants in a precarious situation is to ensure effective access to justice for migrants. Tools need to be made available to overcome systemic barriers to the right to an

effective remedy, such as a lack of unionization or representation, a lack of local language skills, limited awareness of and information about rights and means of redress and significant resource constraints in the form of a lack of legal aid and of translation and interpretation services.

Targets

5.1. Ensure and facilitate equal and effective access for all migrants whose labour or human rights are violated to independent, competent, fair, effective, accountable and responsive judicial and quasi-judicial institutions available for protecting rights, controlling abuses of power and resolving conflicts and, in particular, to national courts, administrative tribunals, national human rights institutions, ombudspersons, labour arbitration and other dispute resolution mechanisms

5.2. Empower migrants to seek and obtain a remedy through the justice system, and strengthen their ability to seek and exercise influence upon law-making and law-implementing processes and institutions

5.3. End discrimination and inequalities for all migrants in the legislation, policies and practices that regulate access to justice

5.4. Strengthen the capacity of courts, tribunals, national human rights institutions, ombudspersons and other dispute resolution mechanisms to ensure accountability for violations of the rights of migrants

5.5. Ensure equal access for all migrants to reliable legal information, effective legal aid, competent and affordable legal representation and competent interpretation and translation services

5.6. Reduce crime and violence against migrants during their migration journeys and in destination countries, and ensure effective protection and assistance to victims of exploitation and abuse

Indicators

(a) Increased number of complaints filed by migrants of human and labour rights violations, discrimination or abuse with any judicial or quasi-judicial institutions;

(b) Increased proportion of cases in which migrants were effectively provided with competent legal representation, adequate legal aid and proper translation and interpretation services;

(c) Increased number of court fee waivers for all those who cannot afford them, including migrants;

(d) Increased number of prosecutions for human trafficking, labour exploitation and forced labour targeting migrants;

(e) Increased number of cases in which migrants are offered special visa protection or other protective measures for victims of trafficking and forced labour.

Goal 6. Ensure easy access for all migrants to basic services, including education and health

Rationale

66. Newly arrived migrants could face a variety of challenges in accessing public services, such as health care, education or housing, given their limited command of the local language and their lack of knowledge of the laws and systems of the host country. The enjoyment of such rights by migrants is effectively hampered in the absence of relevant support, such as the provision of language training or free information on relevant laws and regulations. A related concern is the lack of disaggregated indicators on the economic, social and cultural rights of all migrants, which would be useful for adequate policy-making, including on enhancing the accessibility of such services.

67. Migrants may be more vulnerable to poor health by virtue of their often low socioeconomic status, the sometimes harrowing process of migration and their vulnerability

as non-nationals in the new country. The mental health of migrants is an issue of concern, with factors such as human rights violations before or during the migration process, social isolation caused by separation from family and social networks, job insecurity, difficult living conditions, detention and exploitative treatment potentially having adverse effects. Migrant women and girls often experience more problematic pregnancy and gynaecological health issues as compared with the host population. Those working in domestic services face widespread physical, sexual and psychological abuse and thus require urgent health care and protection. Access to health care for migrants and the level of such care, however, varies enormously, depending on State policies and the immigration status of the migrant.

68. Access to public services, such as health care, education, local police, social services, public housing, labour inspection and health and safety inspection, is key to ensuring that such services are able to perform their mission with the trust of all beneficiaries, including migrants, and that migrants do not fear detection, detention and deportation. Too frequently, immigration enforcement services enlist other public services as auxiliaries for the detection of undocumented migrants or gain access to their databases. Unless firewalls are established between public services and immigration enforcement, vulnerable migrants will never report human rights violations, and perpetrators will benefit from practical immunity.

69. In the light of the fact that migration is most often an urban phenomenon, cities are best placed to ensure the integration of migrants. Municipal authorities, which are close to the needs and interests of the whole community, have already developed excellent policies and practices and shown leadership in integrating migrants into the population through their policies, without distinction of any kind. Local authorities in over 40 countries allow some form of local electoral involvement of migrants in order to increase government accountability to migrants who cannot vote even though they work, pay taxes and assume other civic responsibilities.[10] Such initiatives would help to integrate them into their new communities and ensure their access to basic services at the municipal level through participation in decision-making processes that affect their lives.

Targets

6.1. Establish firewalls between immigration enforcement and public services, thereby allowing for access to justice, housing, health care, education, police, social and labour services for all migrants, without fear of detection, detention and deportation

6.2. Provide equal and equitable access for all migrants and members of their families to adequate, affordable, accessible and quality health care, including mental, sexual and reproductive health care, and to information and education, including on family planning

6.3. Ensure equal access for all migrants to quality education at all levels in destination and transit countries, and enrolment therein, including formal schooling (primary, secondary and higher education), adult education, on-the-job and vocational training, language training and lifelong learning opportunities

6.4. Ensure access for all migrants to adequate, safe and affordable housing and to other basic services

6.5. Provide cities with the powers and resources needed for the integration of migrants, regardless of their status and circumstances

Indicators

(a) Increased number of countries that have developed national and municipal legislation, policies, plans and programmes on equal access to services for all migrants, allocated the powers and resources needed for the integration of migrants and established firewalls between immigration enforcement and public services;

[10] IOM, "The Role of IOM: Migrants and the Equal Participation in Political and Public Affairs".

(b) Increased proportion of migrants with equal access to adequate, affordable, accessible and quality health care, education and housing;

(c) Access to universal health-care coverage, formal education, language training, vocational training and lifelong education, and cross-border recognition of skills and qualifications, thereby facilitating the social and economic integration of all migrants.

Goal 7. Protect all migrants from all forms of discrimination and violence, including racism, xenophobia, sexual and gender-based violence and hate speech

Rationale

70. Mobility and diversity are already and will increasingly be the hallmark of contemporary societies, especially in dynamic urban areas which welcome most of the world's migration. Often at opposite ends of the social spectrum, the arts community and the business community know that diversity and mobility contribute to the dissemination of creativity, innovation, ideas and know-how and to wealth production.

71. The view and labelling of migrants as illegal is counterproductive and is not supported by international law. Although migrants who arrive in countries of destination without documents may be considered to be in an irregular situation, undocumented or unauthorized, they have not committed a criminal act. A human being cannot be intrinsically illegal, and naming anyone as such dehumanizes that person. Characterizing undocumented migrants as illegal has undoubtedly legitimized policies that contradict human rights guarantees, such as criminalization and prolonged detention. It has also had an impact on the general public's perception of migrants and contributed to xenophobia, discrimination and violence.

72. A fundamental shift in how migration is framed is thus required, in both actions and words. Many of the intersecting and negative perceptions of migrants and migration that have pervaded public debates, policies and politics must be challenged. Appropriate language, precise data and policies that promote respect and acceptance of cultural diversity will favour the inclusion of migrants, facilitate their integration and increase their contribution to development.

73. Mobility and diversity create complex issues that require sophisticated policies, a long-term vision, targeted investments and nuanced discourses. Until now, with a few exceptions, these requirements have not been met even though strong integration policies, efficient equality and anti-discrimination mechanisms, vigorous countering of hate speech, access to justice for all and the promotion of diversity at all levels are urgently needed in order to ensure that migrants become active citizens.

Targets

7.1. Monitor inequalities and discrimination against migrants by establishing and enforcing a policy-specific time frame for the reduction of such acts in laws, policies and practices

7.2. Prohibit by law acts of violence and manifestations and expressions of racism, discrimination, xenophobia and related intolerance against migrants to ensure the protection of migrants and guarantee their access to means of recourse, redress and remedies

7.3. Establish at all levels of government, including municipal authorities, inclusive institutions, policies and practices that recognize and value all forms of diversity

7.4. Incorporate diversity, whether of origin, transit or destination, into the national narrative of all countries

7.5. Develop and implement campaigns at the national and global levels to counter xenophobia, discrimination, racism and violence against all migrants

Indicators

(a) Decreased number and proportion of migrants who are victims of xenophobic crime, including bias-driven violence;

(b) Inclusive institutions, policies and practices are in place at all levels of government, including the municipal level, to promote diversity, pluralism and multiculturalism as essential features of contemporary societies;

(c) Increased number of migrants who are granted remedies in compensation for discrimination, hate speech or violence;

(d) Significant investment is made in mechanisms for providing information and education on a culture of diversity, the focus of which is to create awareness of the cultural, social and economic contributions of migrants, support the reintegration of migrants and their families into their countries of origin, empower marginalized groups, including migrants, in the social, political and economic fields, and empower migrants to combat all forms of discrimination, labour exploitation, abuse, xenophobia, violence and related intolerance.

Goal 8. Increase the collection and analysis of disaggregated data on migration and mobility

Rationale

74. States must increase the harmonization and coordination of the collection and analysis of migration data sources in order to develop a systemic picture. They must provide for inclusive processes that allow for a robust public debate, including through national consultations, and that promote a better understanding of the needs of migrants in terms of human and labour rights protection. This will allow States to develop more targeted programmes and more suitable mobility options and to measure effective progress for migrants, especially those who are socially marginalized, economically excluded and politically invisible. Such processes and data collection will constitute an important contribution to the 2030 Agenda for Sustainable Development.

75. In order for meaningful national plans, policies and programmes to be developed and implemented, States must focus on collecting and assessing data on the human rights situation of migrants, from sources such as censuses, population, labour force and household surveys, administrative records, public services, the justice system, national human rights institutions, trade unions and civil society organizations. The participation of hard-to-count migrant populations, such as short-term, circular, undocumented and child migrants and trafficked persons, in the design of surveys and other data collection instruments and in the dissemination and analysis of data will improve the relevance and quality of data.

76. Data collection should be focused on the human rights aspects of migration and preferably be disaggregated by all prohibited grounds of discrimination, including by income, urban or rural area, sex, age, disability, nationality, sector of employment and legal status. Disaggregation by itself, however, does not automatically result in the reduction of inequalities. It is the action of policymakers in response to the information revealed by disaggregation that can result in the required change, which must then be reflected when setting targets and indicators.

77. Migration governance institutions should be able to ensure that the data, including the identities of those who participated in the production thereof, are protected and kept confidential. The right of migrants to privacy needs as much protection as that of citizens.

Targets

8.1. Collect disaggregated data and indicators in all areas relevant to migration, while ensuring data protection and respect for the right of migrants to privacy, in particular by establishing firewalls in order to enable societies to conduct better-informed public debates and States to make evidence-based policy decisions

Indicators

(a) Capacity-building for the collection, dissemination and use of disaggregated data on the situation of migrants;

(b) Promoting the availability of gender-disaggregated data to improve gender equality policies, including gender-sensitive budgeting, in particular with regard to marginalized groups, including migrants;

(c) Disaggregated data showing the proportion of migrants who have reported cases of violations of their rights, including forced labour, discrimination and violence, and the proportion of victims who received compensation is made available and more precise.

E. Assessment of progress and financing

78. Implementing the 2035 agenda for facilitating human mobility would require an explicit whole-of-government approach by each State, cooperation among all levels of government, including municipal authorities, and a global collaboration among all States to fulfil their duties and responsibilities, as well as a global partnership between States and other key stakeholders, such as the business community, trade unions, civil society and migrant associations. The progress in the implementation thereof would be monitored and reported by States periodically at the national, regional and global levels.

79. Systematic follow-up and review at the global level would be conducted during the General Assembly High-Level Dialogues on International Migration and Development to ensure that the implementation of the agenda stays on course. Given that the Millennium Development Goals were followed by the more ambitious Sustainable Development Goals, the 2035 agenda would also be expected to pave the way for a more ambitious agenda in order to make a meaningful and progressive impact on the lives of future generations.

80. In order to facilitate the implementation of the agenda by States, the Special Rapporteur also supports the proposal made in the report of the Special Representative of the Secretary-General on Migration (A/71/728) with regard to financing through a collective fund. As stated in paragraph 34 of the present report, similar long-term strategies exist for the environment, trade and energy. Similarly, as outlined in the report of the Special Representative, a dedicated financing facility would be needed to support capacity development for the implementation of migration-related international commitments. The Special Rapporteur welcomes the opening of the Sustainable Development Goals Financing Lab, which is aimed at mobilizing the resources needed to support the world's long-term sustainable development objectives, including in relation to migration.[11]

F. Conclusions and recommendations

81. Migration is here to stay. The inclusion of migration in the Sustainable Development Goals demonstrated the importance of migration today and the commitment of States to addressing it. The unprecedented number of undocumented cross-border movements has resulted in increased deaths, violence and suffering at borders and at every stage of the migratory process over the past few years. Such events have clearly shown that the status quo in the approaches of States to border control and migration is not sustainable if the objective is to reduce suffering and deaths. They have also underlined the increasing importance of migration. In the high-level plenary meeting on addressing large movements of refugees and migrants and its outcome document, the New York Declaration, migration was firmly established as a priority issue within the United Nations system, and the need of States to commit to the protection of the human rights of migrants and improved global migration governance was acknowledged.

[11] See www.un.org/pga/71/2017/04/18/opening-of-sdg-financing-lab/.

82. The global compact for safe, orderly and regular migration offers an opportunity for better migration governance that enables States to develop clear, long-term and evidence-based migration policies ensuring full protection of the human rights of all migrants.

83. The Special Rapporteur considers the global compact for safe, orderly and regular migration, which is to be presented for adoption in 2018, as the beginning of a long-term, 15-year agenda, complementary to the 2030 Agenda for Sustainable Development and aimed primarily at implementing targets 10.7 and 8.8 of the Sustainable Development Goals. The objective is to provide States with short-, medium- and long-term achievable goals and targets aimed at facilitating migration and mobility and protecting the human and labour rights of migrants, as requested in the 2030 Agenda.

84. The long-term strategy would start in 2020, which could be designated as the "International year for safe, orderly and regular migration for all". The strategy could be called the "2035 agenda for facilitating human mobility". The Special Rapporteur recommends the adoption of eight practical and achievable goals, with appropriate targets and indicators, as his contribution to the 2035 agenda. He acknowledges that these goals and targets could be further refined and must be developed in full recognition of the challenges that States are facing in their endeavour to establish a global framework for rights-based global migration governance.

85. The Special Rapporteur recommends a consultative process led by the United Nations to further develop goals and targets. Such a process would include the participation of experts, the business community, civil society organizations and migrants themselves. It would build upon the principles and guidelines, supported by practical guidance, on the human rights protection of migrants in vulnerable situations within large and/or mixed movements developed by the Global Migration Group. The guidance could form an important starting point for the development of goals and targets, given that it is derived from existing obligations under international law and is aimed at assisting States and other stakeholders with regard to the refinement, strengthening, implementation and monitoring of measures to protect migrants in vulnerable situations.

86. The Special Rapporteur proposes that States also develop inclusive processes so as to allow for national consultations that foster better understanding of and adaptation to each goal, target and indicator, according to national contexts, taking into account and carrying the voice of migrants in particular.

87. A longer-term strategy will require long-term investment in order to ensure the effective implementation and monitoring of all eight goals. The implementation of such an agenda within the framework of the United Nations would require the existing bilateral, regional and global cooperation mechanisms to be strengthened. This would ensure accountability, monitoring and oversight, while creating a clear link to the formal normative monitoring mechanisms established within the United Nations.